IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FOURTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 20250 of 2004

Between:

Mir Habeeb Ali, s/o Mir Md. Ali Khan Khaleem,
R/o 18-2-113/A, Jangammet, Falaknuma, Hyderabad.

..... PETITIONER

AND

1 Assistant Divisional Engineer, Distrn. City III Division, A.P.C.P.D.C.L. Falaknuma, Hyderabad.
2 The Divisional Engineer,Assessments-I, A.P.C.P.D.C.L. Himayathnagar, Hyderabad.
3 Chief Engineer, (Elec.) Metropolitan Zone, A.P.C.P.D.C.L. Mint Compound, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction and more particularly one in the nature of Writ of Certiorari by calling for the records leading to revision to Clause 39 of the new Terms and Conditions of Supply notified by the APCPDCL in exercise of powers conferred under Section 49 of the Indian Electricity (Supply) Act 1948 including Board's proceedings in B.P. (P&G)-per) Ms.No. 273 dated 29-1-1999 as unconstitutional, ultra virus and arbitrary being inconsistent with the Central Act 36 of 2003 and consequently the final Notice dated 3-8-2004 issued by the 2nd Respondent in No. DEA/I/HYD/DAT.29250 be quashed.

Counsel for the Petitioner: MR.TRILOK BAHADUR SAHGAL

Counsel for the Respondents: MR.KANAKAMEDALA RAVINDRA KUMAR,SC FOR APSEB

The Court at the admission stage made the following :

ORDER:

-

Against the impugned proceedings, an alternative remedy is available by way of an appeal to the Superintending Engineer, Assessments. Without exhausting the said alternative remedy, the petitioner cannot maintain this writ petition.

Accordingly, granting leave and liberty to the petitioner to avail the alternative remedy as available under the statute, the writ petition is disposed of. No costs.

_____

04-11-2004

vs

To

1 The Assistant Divisional Engineer,

Distrn. City III Division, A.P.C.P.D.C.L.
Falaknuma, Hyderabad.

2 The Divisional Engineer,Assessments-I, A.P.C.P.D.C.L.
Himayathnagar, Hyderabad.

3 The Chief Engineer, (Elec.) Metropolitan Zone, A.P.C.P.D.C.L.
Mint Compound, Hyderabad.

4 2CD copies